

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: Chairman Kelly Gebhardt, on February 16, 2009 at 3:00 P.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Kelly Gebhardt, Chairman (R)
Sen. Debby Barrett, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. Ken (Kim) Hansen (D)
Sen. Christine Kaufmann (D)
Sen. Gary L. Perry (R)
Sen. Donald J. Steinbeisser (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzenried (D)

Members Excused:

Sen. Jim Keane (D)
Sen. Jim Peterson (R)

Members Absent: None.

Staff Present: Lindsey Hern, Committee Secretary
Sonja Nowakowski, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 396, 2/12/2009; SB 437,
2/12/2009; SB 440, 2/12/2009; SB
451, 2/12/2009; SJ 21, 2/12/2009

Executive Action: SB 303; SB 306; SB 307; SB 360; SB
437; SB 451

HEARING ON SB 396

Opening Statement by Sponsor:

00:01:14 Sen. Bob Story (R), SD 30, opened the hearing on SB 396, Alter criteria for permitting certain changes to points of diversion.

Proponents' Testimony:

00:03:08 John Bloomquist, Montana Stockgrowers Association, (MSA)
00:04:49 Abigail St. Lawrence, Montana Association of Relators (MAR)
00:06:15 Ken Miller, Laurel
00:08:57 John Tubbs, Water Conservation Resource Minister, Department of Natural Resources and Conservation (DNRC)

Opponents' Testimony:

00:10:55 Krista Lee Evans, Senior Rights Coalition, Association of Gallatin Agricultural Irrigators (AGAI)
00:12:44 Mike Murphy, Montana Water Resources Association (MWRA)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:14:18 Sen. Barrett
00:14:46 Sen. Story
00:15:23 Sen. Perry
00:16:21 Sen. Story

Closing by Sponsor:

00:16:47 Sen. Story

HEARING ON SJ 21

Opening Statement by Sponsor:

00:18:37 Sen. Aubyn Curtiss (R), SD 1, opened the hearing on SJ 21, Joint resolution on forest service study area.

[EXHIBIT\(nas36a01\)](#)

[EXHIBIT\(nas36a02\)](#)

Proponents' Testimony:

00:21:00 Fred Hodgeboom, President, Montanans For Multiple Use
(MFMU)

[EXHIBIT\(nas36a03\)](#)

[EXHIBIT\(nas36a04\)](#)

00:24:50 Robert Johnson, Montana Steel Workers

00:25:32 Jason, Todhunter, Montana Logging Association (MLA)

00:25:54 Tim Rabindal, MFMU, Self

00:26:57 Steve Curtiss, Chairman Glen Lake Irrigation District

[EXHIBIT\(nas36a05\)](#)

00:29:18 Garry Callehan, Self

00:30:31 Clarice Ryan, MFMU

[EXHIBIT\(nas36a06\)](#)

00:34:45 Rhoda Cargill, Lincoln County Natural Resource Council

[EXHIBIT\(nas36a07\)](#)

[EXHIBIT\(nas36a08\)](#)

[EXHIBIT\(nas36a09\)](#)

[EXHIBIT\(nas36a10\)](#)

00:38:02 Ron Olfert, President Montanans for Property Rights;
Chairman, Sanders Natural Resource Council

[EXHIBIT\(nas36a11\)](#)

00:39:34 Kurt West, Ten Lakes Snowmobile Club, MFMU

00:40:20 Kathleen Johnson, Self; Lincoln County Natural Resource
Council

[EXHIBIT\(nas36a12\)](#)

00:41:33 Sen. Keane came to the committee.

00:44:57 Josh Letcher, Self; Ten Lakes Snowmobile Club Member;
Lincoln County Natural Resource Council; Lincoln County
Building Association; MFMU

00:47:30 Don Allen, Montana Western Trade Association

00:47:54 Terry Caldwell, Self

Opponents' Testimony:

00:48:57 John Gatchell, Montana Wilderness Association (MWA)

[EXHIBIT\(nas36a13\)](#)

00:55:13 Stuart Lewin, Self

Informational Testimony:

00:58:02 Tim Randall, MFMU, on request of Chairman Gebhardt
to be added as a proponents' testimony.

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:59:16 Sen. Curtiss
[EXHIBIT\(nas36a14\)](#)

01:01:46 Sen. Peterson came to the committee.

Additional Exhibits:

[EXHIBIT\(nas36a15\)](#)

[EXHIBIT\(nas36a16\)](#)

HEARING ON SB 437

Opening Statement by Sponsor:

01:03:14 Sen. Gary Perry (R), SD 35, opened the hearing on SB
437, Clarify fish pond licensure.

Proponents' Testimony:

01:04:00 Mark Aagenes, Montana Trout Unlimited (MTU)
[EXHIBIT\(nas36a17\)](#)

01:05:17 Janet Ellis, Montana Audubon

01:06:09 Mr. Lewin, Self

01:07:21 Bob Lane, Legal Council, Fish Wildlife and Parks
(FWP)

[EXHIBIT\(nas36a18\)](#)

01:08:41 Ms. Evans, AGAI

01:09:08 Mr. Murphy, MWRA

Opponents' Testimony:

01:10:19 David Schmidt, Water Right Solutions

Informational Testimony:

None

Questions from Committee Members and Responses:

01:11:54 Sen. Hansen
01:12:32 Sen. Perry
01:12:27 Sen. Hansen
01:13:36 Sen. Perry
01:13:46 Sen. Barrett
01:14:10 Mr. Schmidt, Water Right Solutions
01:14:30 Sen. Barrett
01:14:33 Mr. Schmidt, Water Right Solutions
01:14:35 Sen. Barrett
01:14:47 Mr. Schmidt, Water Right Solutions
01:14:53 Sen. Barrett
01:15:20 Mr. Lane
01:15:47 Sen. Barrett
01:16:08 Mr. Lane
01:16:25 Chairman Gebhardt
01:16:37 Mr. Aagenes, MTU
01:17:11 Chairman Gebhardt
01:17:19 Mr. Aagenes, MTU
01:17:26 Chairman Gebhardt

Closing by Sponsor:

01:17:37 Sen. Perry

HEARING ON SB 440

Opening Statement by Sponsor:

01:18:31 Sen. Kelly Gebhardt (R), SD 23, opened the hearing on
SB 440, Exempt air quality permits from MEPA review.

Proponents' Testimony:

01:19:50 Candace Payne Southern Montana Electric Generation and
Transmission Cooperative, Inc.
01:23:46 Keith Allen, Institution Brotherhood of Electric
Workers 223 (IBEW)
01:24:44 Dexter Busby, Montana Refining Company Great Falls
01:25:06 Don Allen, WETA
01:28:46 Tim Ravndal, Self

Opponents' Testimony:

01:29:48 Aart Dolman, Self
[EXHIBIT \(nas36a19\)](#)
01:31:59 Jaybe Floyd, Self

01:35:25 Tammie Lynne Smith, Legal Liaison and Spokesperson for
Salem Road and Area Land Owners
01:36:34 LaLonnice Ward, Self
01:38:41 Helen Coleman, Self
01:41:10 Jeff Monheim, Self
01:43:36 Anne Hedges, Montana Environmental Information Center
(MEIC)
01:45:52 Robert Nicholson, Self
01:47:07 Mr. Lewin, Self
01:53:30 Ms. Ellis, Montana Audubon
01:55:28 Sarah Cobler, Montana Conservation Voters (MCV)

Informational Testimony:

01:56:41 Charles Homer, Compliance Officer, Department of
Environmental Quality (DEQ)

Questions from Committee Members and Responses:

01:57:07 Chairwoman Barrett
01:57:44 Mr. Homer, DEQ
01:58:48 Sen. Hansen
01:59:10 Mr. Homer, DEQ
01:59:33 Sen. Hansen
01:59:41 Mr. Homer, DEQ
02:00:01 Sen. Tropila
02:00:17 Mr. Homer, DEQ

Closing by Sponsor:

02:00:29 Sen. Gebhardt

HEARING ON SB 451

Opening Statement by Sponsor:

02:02:59 Sen. David Wanzienried (D), SD 49, opened the hearing on
SB 451, Repeal the Megalandfill Siting Laws.

[EXHIBIT\(nas36a20\)](#)

Proponents' Testimony:

02:04:41 Frank Patrick Crowley, Self

[EXHIBIT\(nas36a21\)](#)

02:10:26 Barbara Butler, Environmental Coordinator, City of
Billings

[EXHIBIT\(nas36a22\)](#)

[EXHIBIT\(nas36a23\)](#)

02:13:42 Max Bauer, Missoula Land Fill
02:17:53 Roger Bridgford, Manager of High Plains Landfill Great Falls
02:18:37 Phil Ideson, Operation Manager Allied Waste, Bozeman

Opponents' Testimony:

None

Informational Testimony:

02:19:59 Rick Thompson, Solid Waste Program, DEQ

Questions from Committee Members and Responses:

None

Closing by Sponsor:

02:20:22 Sen. Wanzenried

Additional Discussion:

02:20:29 Chairman Gebhardt
02:20:38 Sen. Keane
02:20:42 Chairman Gebhardt

EXECUTIVE ACTION ON SB 451

02:21:31 **Motion/Vote:** Sen. Wanzenried moved that **SB 451 DO PASS**. Motion carried unanimously by voice vote. Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 306

02:23:50 **Motion:** Sen. Keane moved that **SB 306 DO PASS**.

02:24:31 **Motion:** Sen. Keane moved that **SB 306 BE AMENDED**.
EXHIBIT (nas36a24)

Discussion:

02:24:50 Sonja Nowakowski, Legislative Service Division (LSD)
02:27:06 Sen. Tropila
02:28:08 Chairman Gebhardt

02:29:15 **Vote:** Motion that **SB 306 BE AMENDED** carried 8-3 by voice vote with Sen. Wanzenried voting no. Sen. Peterson voted by proxy.

02:29:38 **Motion/Vote:** Sen. Keane moved that **SB 306 DO PASS AS AMENDED**. Motion carried 6-5 by voice vote with Sen. Hansen, Sen. Kaufmann, Sen. Keane, Sen. Tropila, and Sen. Wanzonried voting no. Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 307

02:31:08 **Motion/Vote:** Sen. Keane moved that **SB 307 BE TABLED**. Motion carried 10-1 by voice vote with Sen. Curtiss voting no. Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 437

02:31:55 **Motion:** Sen. Perry moved that **SB 437 DO PASS**.

Discussion:

02:32:31 Sen. Barrett
02:32:37 Sen. Perry
02:33:00 Sen. Hansen

02:33:46 **Vote:** Motion that **SB 437 DO PASS** carried 8-3 by voice vote with Sen. Barrett, Sen. Curtiss, and Sen. Hansen voting no. Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 360

Discussion:

02:34:30 Sen. Keane suggested the committee consider SB 360.
02:34:57 Chairman Gebhardt, without objection, opened executive action on SB 360 without a Do Pass Motion.
02:35:02 Sen. Keane
02:35:53 Sen. Kaufmann
02:37:12 Sen. Tropila
02:38:20 Sen. Curtiss
02:39:17 Sen. Barrett

02:40:14 **Vote:** Motion that **SB 360 DO PASS** carried 9-2 by voice vote with Sen. Kaufmann and Sen. Tropila voting no. Sen. Peterson voted by proxy.

EXECUTIVE ACTION ON SB 303

02:41:06 **Motion:** Sen. Wanzonried moved that **SB 303 DO PASS**.

Discussion:

02:41:10 Chairman Gebhardt

02:41:13 **Motion:** Sen. Wanzenried moved that **SB 303 BE AMENDED. EXHIBIT (nas36a25)**

Discussion:

02:42:30 Mrs. Nowakowski

02:42:55 Sen. Wanzenried

02:43:20 Sen. Kaufmann

02:43:36 Sen. Wanzenried

02:44:09 **Vote:** Motion that **SB 303 BE AMENDED** carried 9-2 by voice vote with Sen. Curtiss and Sen. Kaufmann voting no. Sen. Peterson voted by proxy.

02:44:45 **Motion:** Sen. Wanzenried moved that **SB 303 DO PASS AS AMENDED.**

02:45:08 **Motion:** Sen. Wanzenried moved that **SB 303 BE AMENDED. EXHIBIT (nas36a26)**

Discussion:

02:45:22 Sen. Wanzenried

02:45:36 **Vote:** Motion that **SB 303 BE AMENDED** carried unanimously by voice vote. Sen. Peterson voted by proxy.

02:45:58 **Motion:** Sen. Wanzenried moved that **SB 303 DO PASS AS AMENDED.**

02:46:08 **Motion:** Sen. Wanzenried moved that **SB 303 BE AMENDED. EXHIBIT (nas36a27)**

Discussion:

02:46:53 Sen. Wanzenried

02:47:20 Ms. Nowakowski, LSD

02:47:38 Sen. Wanzenried withdrew motion. (Exhibit 27)

02:48:10 **Motion:** Sen. Wanzenried moved that **SB 303 BE AMENDED. EXHIBIT (nas36a28)**

Discussion:

02:49:20 Sen. Keane

02:49:29 Sen. Wanzenried

02:49:56 Chairman Gebhardt

02:50:22 Sen. Wanzenried

02:51:05 **Vote:** Motion that **SB 303 BE AMENDED** carried 7-4 by voice vote with Sen. Barrett, Sen. Curtiss, Sen. Gebhardt, and Sen. Peterson voting no. Sen. Peterson voted by proxy.

02:50:14 Sen. Wanzenried

02:51:48 **Motion:** Sen. Wanzenried moved that **SB 303 DO PASS AS AMENDED**.

Discussion:

02:52:15 Sen. Wanzenried
02:52:51 Chairman Gebhardt
02:53:44 Sen. Perry
02:54:00 Sen. Wanzenried
02:54:48 Chairman Gebhardt
02:55:12 Sen. Keane
02:55:20 Sen. Wanzenried
02:55:58 Sen. Perry
02:56:16 Sen. Wanzenried

02:57:01 **Vote:** Motion that **SB 303 DO PASS AS AMENDED** carried 10-1 by voice vote with Sen. Barrett voting no. Sen. Peterson voted by proxy.

Committee Business:

02:57:31 Chairman Gebhardt

ADJOURNMENT

Adjournment: 6:12 P.M.

Lindsey Hern, Secretary

Additional Documents:

EXHIBIT ([nas36aad.pdf](#))